

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO.: 7:20-CR-00167-M-3

UNITED STATES OF AMERICA

v.

JORDAN DUNCAN

MOTION TO CONTINUE
ARRAIGNMENT HEARING AND
MOTION TO EXTEND PRETRIAL
MOTIONS DEADLINE

The Defendant, Jordan Duncan, through undersigned counsel hereby asks this Honorable Court to continue the arraignment in this matter until this Court's March 7, 2023 term, which is also the arraignment terms for co-defendant Maurino, DE 244, and also seeks to extend the pretrial motions deadline until February 13, 2023, and that subsequent deadlines be adjusted accordingly. The undersigned asked the Government earlier this week for its position on this motion and received details on a plea offer but is still unclear on the Government's position on this motion.

The undersigned was preparing for a capital jury trial in Dare County, North Carolina, including an all day hearing yesterday in the Dare County Superior Court. The trial was set to start on January 17, 2023, but due to discovery issues that were unresolved at the end of the hearing yesterday, the trial has been re-set to start on April 17, 2023.

This week, on January 3, 2023, the undersigned received via email the details in writing of a formal plea offer being made to Mr. Duncan, which follows up with the concept of a plea offer that had been orally communicated to the undersigned before.

The undersigned has also been taking paternity leave to help his spouse with their newborn baby (November 13, 2022) and their 21 month old toddler.

This is a complicated case with voluminous discovery, where the Government still maintains that at least one computer hard-drive seized as evidence contains classified material.

In support of this Motion, Defendant shows the following:

1. Mr. Duncan was indicted on November 18, 2020 and charged with conspiracy to manufacture firearms and ship interstate, in violation of 18 U.S.C. 922(a)(1)(A), 922(a)(3) and 371.

2. On December 1, 2020, the undersigned entered a Notice of Appearance on behalf of Mr. Duncan in this matter. (D.E. 41). That same day, the undersigned also filed a Request for Discovery. (D.E. 42).

3. On December 9, 2020, Mr. Duncan again appeared before Magistrate Judge James E. Gates for his detention hearing and was detained pending trial by order dated December 10, 2020. (D.E. 55).

4. On December 24, 2020, the undersigned filed a Motion to Revoke Magistrate Judge's Detention Order and Memorandum of Law in Support. (D.E. 67). A hearing on this motion was scheduled for January 15, 2021, and on January 21, 2021, this Court ordered Mr. Duncan to remain detained pending trial. (D.E. 88).

5. On August 18, 2021, the Government brought a third superseding indictment that enlarged the substantive charges and sentencing exposure, namely brining an accusation that there was a conspiracy to destroy an energy facility.

6. The discovery in this matter is very extensive, and the undersigned is still in the process of reviewing discovery. Additionally, the Government has indicated that the issue of

whether there is allegedly classified materials on at least one hard drive allegedly seized from an apartment Mr. Duncan purportedly shared with co-defendant Collins is still unresolved.

7. Undersigned counsel respectfully requests additional time to review the discovery already produced as well as the recently received discovery, to continue to discuss the case with Mr. Duncan and the Government, and to research and draft potential pretrial motions.

8. Allowance of this motion would serve the ends of justice and such allowance would also outweigh the best interest of the public and the Defendant in a speedy trial.

Wherefore, for the preceding reasons, Mr. Duncan respectfully asks this Court to extend the deadline to file pretrial motions through December 13, 2023, and to adjust the subsequent deadlines consistent with such an extension, namely: extending the deadline to file responses to pretrial motions to fourteen days after pretrial motions are served. Further, Mr. Duncan respectfully requests this Court continue the arraignment to the March 7, 2023 term of court and to grant such other and further relief as this Court deems fair and reasonable.

Respectfully submitted, this the 5th day of January, 2023.

TARLTON LAW PLLC

/s/ Raymond C. Tarlton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to Assistant United States Attorney Barbara Kocher.

This the 5th day of January, 2023.

/s/ Raymond C. Tarlton

Raymond C. Tarlton